

SERVICE DATE – DECEMBER 29, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 401X)

BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN POLK COUNTY, IA

Decided: December 27, 2005

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 1.88-mile line of railroad, extending from milepost 67.38 to milepost 1.45, near Des Moines, in Polk County, IA. Notice of the exemption was served and published in the Federal Register on July 16, 2004 (69 FR 42803-04). The notice stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by July 16, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.¹ By decision served on July 21, 2005, the time to file a notice of consummation was extended until December 31, 2005, at the request of BNSF.²

On December 21, 2005, BNSF filed a request to further extend the deadline for filing its notice of consummation until July 1, 2006, stating that winter weather conditions have hampered the ability to conduct salvage activities. BNSF has shown good cause to extend the time to file a notice of consummation in this proceeding. Accordingly, the request will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. BNSF's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before July 1, 2006.

¹ By decision served on August 16, 2004, the exemption was made subject to environmental conditions and a historic preservation condition. The historic preservation condition was removed by decision served on August 26, 2005.

² Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary